

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | No. 8:24-MJ-293 (GLF) |
| |) | |
| v. |) | The United States' Application for |
| |) | Designation of Material Witness and |
| MAGNAT RAM, |) | Arrest Warrant |
| |) | |
| Defendant. |) | |
| _____ |) | |

Carla B. Freedman, United States Attorney for the Northern District of New York (by Assistant United States Attorney Joshua R. Rosenthal) hereby respectfully requests that the Court issue an order finding GURCHAN SINGH (the “Material Witness”) is a material witness and that, if necessary, an arrest warrant be issued to preserve his presence in the District until his deposition can be taken.

The United States respectfully submits the following to the Court in support of its material witness application:

(a) The Material Witness is a material witness in the case of *United States v. Magnat Ram*, No. 8:24-MJ-293 (GLF), in which the defendant, Magnat Ram, is charged with violating 8 U.S.C. § 1324(a)(1)(A)(ii), (B)(i) based on conduct that occurred on or about June 24, 2024.

(b) The Material Witness is an unlawful alien who the defendant, *inter alia*, transported within the United States. The United States sets forth additional facts to support this application in the attached affirmation.

(c) The Material Witness is not lawfully present in the United States and, to the undersigned’s knowledge, has no ties within the United States sufficient to ensure his appearance in future proceedings.

(d) The Material Witness is currently charged in Case No. 8:24-MJ-294 (GLF) with illegally entering the United States, in violation of Title 8, United States Code, Section 1325(a)(2).

(e) If the Material Witness is sentenced for the conduct subject of Case No. 8:24-MJ-294 (GLF) and the material witness deposition is not concluded, the United States will execute the arrest warrant for the Material Witness and comply with any detention conditions imposed by the Court to ensure his presence at the deposition and to prevent a failure of justice.

(f) The undersigned has been informed that the Material Witness is subject to a United States immigration detainer and that he may be deported following completion of the criminal matter pending against him. For this reason, it is impracticable to secure the presence of the Material Witness by subpoena for trial of the case against the defendant.

(g) The testimony of the Material Witness may be essential and necessary to the prosecution of the case against defendant because the Material Witness is an alien who the defendants, *inter alia*, transported within the United States, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii), (B)(i).

WHEREFORE, the United States moves the Court for an Order pursuant to Title 18, United States Code, Section 3144 and Rule 15 of the Federal Rules of Criminal Procedure, and as contemplated by Title 8, United States Code, Section 1324(d), further supported by the attached affirmation.

Dated: July 8, 2024

Respectfully submitted,

CARLA B. FREEDMAN
United States Attorney

By: /s/ Joshua R. Rosenthal
Joshua R. Rosenthal
Assistant United States Attorney
Bar Roll No. 700730

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | No. 8:24-MJ-293 (GLF) |
| |) | |
| v. |) | Affirmation in Support of the United |
| |) | States' Application for Designation of |
| MAGNAT RAM, |) | Material Witness and Arrest Warrant |
| |) | |
| Defendant. |) | |
| _____ |) | |

Joshua R. Rosenthal, based on information and belief, affirms and says:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Northern District of New York, and as such, am familiar with the facts, circumstances, and proceedings in this case to date, as sworn by and related to me by law enforcement agents.
2. This affirmation is submitted in support of your affiant's request that the Court designate Gurchan Singh (the "Material Witness") as a material witness and issue an arrest warrant upon him.
3. The Material Witness was arrested on June 24, 2024, for being unlawfully present in, and illegally entering, the United States. The United States' investigation to date reveals that the Material Witness is an alien whom Magnat Ram, *inter alia*, transported within the United States.
4. The complaint filed against the defendant in this proceeding, Dkt. # 1, is incorporated by reference.
5. The undersigned has been informed that after sentencing, the Material Witness may be deported or released by immigration with a Notice to Appear at a future date in immigration court. The Material Witness, if released, has no incentive to return to the Northern District of

New York or to report to immigration court as he will face deportation. Moreover, the Material Witness will have no reason to provide an accurate address where agents could locate him. For this reason, it is impracticable to secure the presence of the Material Witness by subpoena for trial of the criminal action against defendant.

6. The testimony of the Material Witness may be necessary and essential to the prosecution of the case against the defendant because the Material Witness is an alien who the defendant, *inter alia*, transport within the United States in violation of federal law.

WHEREFORE, it is respectfully requested that this Court issue an Order directing the arrest of the Material Witness pursuant to Title 18, United States Code, Section 3144.

Executed on July 8, 2024.

/s/ Joshua R. Rosenthal

Joshua R. Rosenthal
Assistant United States Attorney
Bar Roll No. 700730